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JUN 28 1994OFFICE OF REGIONAL COUNSEL  
EPA - REGION XUNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
SEATTLE, WASHINGTON

IN THE MATTER OF:

EPA Docket No. 10-95-0105 -  
CERCLAASARCO, INCORPORATED; HECLA  
MINING COMPANY; SUNSHINE MINING  
COMPANY; SUNSHINE PRECIOUS METALS  
INC.ADMINISTRATIVE ORDER ON  
CONSENT FOR 1994 RESPONSE  
ACTION AT THE BUNKER  
HILL SUPERFUND SITEProceedings under Section 106(a)  
of the Comprehensive Environmental  
Response, Compensation, and  
Liability Act of 1980, as amended,  
42 U.S.C. Section 9606(a)I. INTRODUCTION

1. This Administrative Order on Consent ("Order") is issued by the United States Environmental Protection Agency ("EPA") to ASARCO, Incorporated; Hecla Mining Company; Sunshine Mining Company; and Sunshine Precious Metals, Inc. (hereinafter collectively referred to as "Respondents"), pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9606(a), as amended. By signing this Order below, Respondents consent to its issuance and agree to undertake all actions required by the terms and conditions hereunder.

II. Jurisdiction

2. This Order is issued pursuant to the authority conferred on the President of the United States by Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), as amended; delegated to the

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Administrator of the EPA by Executive Order 12580, dated January 23, 1987, 52 Fed. Reg. 2923 (February 29, 1987); and further delegated to the EPA Regional Administrators and the EPA Assistant Administrator for Solid Waste and Emergency Response by the EPA Delegations Manual Sections 14-14, 14-14-A and 14-14-C. This authority is conferred on the EPA, Region 10, Director, Hazardous Waste Division, by Regional Redefinition Order signed by the Regional Administrator.

3. Respondents' participation in this Order shall not constitute or be construed as an admission of liability or of EPA's findings or determinations contained in this Order or in the Consent Decree.

### III. JUDICIAL REVIEW

4. As provided in Section 113(h) of CERCLA, 42 U.S.C. § 9613(h), as amended, and for purposes of this Order, Respondents shall not seek judicial pre-enforcement review of any matter contained in this Order.

### IV. PURPOSES

5. On May 10, 1994, a Consent Decree signed by EPA, the State of Idaho, Respondents and Callahan Mining Corporation and Coeur d'Alene Mines Corporation ("Consent Decree") was filed with the United States District Court for the District of Idaho in Civil Action No. CIV 94-0206-N-HLR. See 59 Fed. Reg. 27579 (May 27, 1994). A copy of the Consent Decree, without attachments, is appended hereto as Attachment A. Attachments to the Consent Decree are on file with the Court. After a thirty

(30) day comment period which ends on June 26, 1994, EPA and the State of Idaho expect to move to enter the Consent Decree.

6. This Order is being entered into by EPA and Respondents so that Respondents may proceed with the work required in the 1994 Residential Areas Annual Remedial Action Work Plan ("1994 Work Plan"), appended hereto as Attachment B, pending entry of the Consent Decree. The Work Plan is a document anticipated by the Consent Decree that was prepared by Respondents and approved by EPA.

#### V. ORDER

7. Pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), as amended, Respondents shall perform the work identified in the 1994 Work Plan. All such work shall be performed in accordance with and shall be subject to the provisions of the Consent Decree, which are incorporated by reference in this Order, except for the following Consent Decree provisions which are excluded from the terms of this Order and will not apply to any activities undertaken by Respondents pursuant to this Order:

- a. Paragraphs 7(b), except with respect to implementation of the 1994 Work Plan, and 7(c) (Commitments by Settling Defendants);
- b. Section VII (Additional Response Actions);
- c. Section XIV (Assurance of Ability to Complete Work);
- d. Paragraph 61 (Insurance);

- e. Paragraph 85 (United States' Pre-Certification Reservations).

VI. TERMINATION OF ORDER

8. Upon entry of the Consent Decree this Order shall be deemed satisfied and shall terminate as to the Respondents.

VII. EPA REMEDIES

9. So long as this order remains in effect, EPA may pursue any remedies or sanctions which may be available to EPA pursuant to CERCLA by reason of Respondents' failure to comply with any of the requirements of this Order and may assess Stipulated Penalties for any violation of this Order in accordance with the terms of Section XXIX of the Consent Decree. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect the public health, welfare or the environment.

VIII. PERSONS BOUND

10. This Order shall apply to and be binding upon Respondents and their successors and assigns. Respondents shall be responsible for ensuring full compliance with this Order by all of their officers, directors, principals, parents, subsidiaries, employees, agents, contractors, subcontractors, consultants and other persons acting for or on behalf of Respondents with respect to implementation of this Order. Any change in ownership or corporate status of the Respondents

including, but not limited to, any transfer of assets or real or personal property, or efforts made to carry out the terms of this Order through agents, contractors, subcontractors and consultants, shall in no way alter such Respondents' responsibilities under this Order.

#### IX. EFFECTIVE DATE

11. The effective date of this Order is the date, after signature by all Respondents, on which it is signed by the EPA Superfund Branch Chief, Hazardous Waste Division, Region 10. Not later than five (5) calendar days after Respondents receive oral or written notice from EPA that this Order is effective, Respondents shall commence work in accordance with the Work Plan.

#### X. AMENDMENTS

12. This Order may be amended by mutual agreement of EPA and Respondents. Agreed amendments to this Order shall be in writing and shall have as the effective date, that date, after signature by all Respondents, on which such amendments are signed by the EPA Superfund Branch Chief, Region 10. The parties' project coordinators and/or EPA's On-Scene Coordinator shall be authorized, to extend by mutual written agreement, any date, deadline or schedule contained in the Work Plan.

#### XI. SATISFACTION OF ORDER

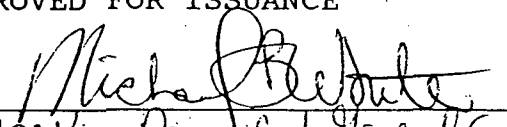
13. Within sixty (60) days of completion of the 1994 construction season, Respondents shall submit to EPA a

Construction Completion Report documenting completion of the work required under the 1994 Work Plan and containing the information required by Section 3.4.3 of the Statement of Work, which is appended as Attachment B to the Consent Decree. If the Consent Decree has not been entered by the Court, EPA shall, to the best of its ability, within sixty (60) days from the date of submission of the Construction Completion Report, determine whether the work required under the 1994 Work Plan has been fully completed in accordance with the Records of Decision, Remedial Design Reports and Statement of Work appended to the Consent Decree and, upon concluding that such work was properly completed, EPA shall so certify in writing to the Respondents. However, if the Consent Decree is entered by the Court prior to the expiration of sixty (60) days after the date that Respondents submit the Construction Completion Report, certification shall be in accordance with the terms and conditions of the Consent Decree.

The undersigned, by affixing signatures below, hereby represents that he or she has the authority to bind the noted Respondent, its agents and its employees.

STIPULATED, AGREED, AND  
APPROVED FOR ISSUANCE

By:

  
Title: Vice President General Counsel

Date:

June 28, 1994

HECLA MINING COMPANY

STIPULATED, AGREED, AND  
APPROVED FOR ISSUANCE

By: M. G. Carmona  
Title: Vice President

Date: 7/8/94

ASARCO, INCORPORATED

STIPULATED, AGREED, AND  
APPROVED FOR ISSUANCE

By: John A. Smith

Title: President

Date: June 29, 1994

SUNSHINE MINING COMPANY  
and  
SUNSHINE PRECIOUS METALS, INC.



IT IS SO ORDERED, this 19<sup>th</sup> day of July, 1994.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY

By: Carol Rushin  
CAROL R. RUSHIN, Chief  
Superfund Remedial Branch  
Hazardous Waste Division  
Region 10

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HEARINGS CLERK  
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